

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DePuy Mitek, Inc.)	
a Massachusetts Corporation)	
)	
Plaintiff.)	
)	
v.)	Civil No. 04-12457 PBS
)	
Arthrex, Inc.)	
a Delaware Corporation, and)	
)	
Pearsalls Ltd.)	
a Private Limited Company)	
of the United Kingdom)	
)	
Defendants.)	
)	

**Plaintiff DePuy Mitek's Certification of Good Faith Conference
In Support of Its Motions *In Limine* (Nos. 1 – 5)**

Plaintiff, DePuy Mitek, Inc.'s counsel certifies that it met and conferred by telephone in good faith with Arthrex's counsel on July 10, 2007 regarding the following Mitek motions:

1. DePuy Mitek's Motion *In Limine* (No. 1) To Exclude Evidence Regarding CETR Testing;
2. Plaintiff DePuy Mitek's Motion *In Limine* (No. 2) to Preclude Arthrex from Presenting Evidence that Mitek Performed Pre-Suit Testing on Coated vs. Uncoated FiberWire;
3. Plaintiff DePuy Mitek's Motion *In Limine* (No. 3) To Preclude Arthrex from Relying on U.S. Patents 4,074,713 and 4,074,366;
4. Plaintiff DePuy Mitek's Motion *In Limine* (No. 4) To Limit The Testimony Of Arthrex's Patent Law Expert, Mr. Witherspoon; and
5. Plaintiff DePuy Mitek's Motion *In Limine* (No. 5) To Preclude Arthrex And Pearsalls From Making Irrelevant and Prejudicial Remarks About Mitek

Although the parties met and conferred regarding the five motions, they were not able to resolve any of them.

Dated: July 13, 2007

DEPUY MITEK, INC.,
By its attorneys,

/s/ Michael J. Bonella
Dianne B. Elderkin
Lynn A. Malinoski
Michael J. Bonella
Erich M. Falke
WOODCOCK WASHBURN LLP
2929 Arch Street, 12th Floor
Cira Centre
Philadelphia, PA 19104
(215) 568-3100

Daniel J. Gleason (BBO #194900)
Heather Repicky (BBO #663347)
Nutter McClennen & Fish LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA. 02210-2604
617-439-2000

CERTIFICATE OF SERVICE

I certify that I am counsel for DePuy Mitek, Inc. and that true and correct copies of:

**Plaintiff DePuy Mitek's Certification of Good Faith Conference
In Support of Its Motions *In Limine* (Nos. 1 – 5)**

were served on counsel for Defendants Arthrex, Inc. and Pearsalls Ltd. on this date via the Court's e-mail notification with the following recipients being listed as filing users for Defendants:

Charles W. Saber
Dickstein Shapiro LLP
1825 Eye Street, NW
Washington, DC 20006
saberc@dicksteinshapiro.com

Raymond P. Ausrotas
Todd & Weld LLP
28 State Street, 31st Floor
Boston, MA 02109
rausrotas@toddweld.com

Dated: July 13, 2007

/s/ Michael J. Bonella
Michael J. Bonella